

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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*Merchant Cash &
Capital LLC*

Plaintiff,

- against -

*Fried Okra, Inc., d/b/a
The Oughtbros*

Defendant(s).

-----X

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on *1/18/08* (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) the date of the conference and the appearances for the parties;

(2) a concise statement of the issues as they then appear;
Breach of contract and resulting damages

(3) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;
*Principals of TT - on or before March 31, 2008 Third parties on or before
Principals of A - " " April 15, 2008 May 15, 2008*

(b) a schedule for the production of documents;
*initial disclosures - January 31, 2008
discovery demands served by February 28, 2008*

(c) dates by which (i) each expert's reports will be supplied to the adverse side and
(ii) each expert's deposition will be completed;

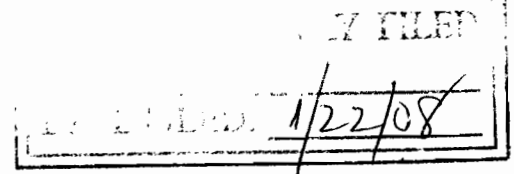
(d) time when discovery is to be completed;

(c)(i) June 30, 2008

(c)(ii) July 30, 2008

(d) August 15, 2008

*non-expert discovery
complete by 5/30*



SCHEDULING ORDER

07 Civ. *10.345*
(SAS)

Conference Date:

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

9/15/2008

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

10/1/2008

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

June 16 at 4³⁰

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any;

(7) anticipated length of trial and whether to court or jury;

2 1/2 days ; ~~2~~ Court.

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

SO ORDERED:

[Signature]
SHIRA A. SCHEINDLIN
U.S.D.J.

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11/18/08 [Signature]

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